<ol> <li>1</li> <li>2</li> <li>3</li> <li>4</li> <li>5</li> </ol>	GLYNN & FINLEY, LLP CLEMENT L. GLYNN, Bar No. 57117 MORGAN K. LOPEZ, Bar No. 215513 JONATHAN A. ELDREDGE, Bar No. 238. One Walnut Creek Center 100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596 Telephone: (925) 210-2800 Facsimile: (925) 945-1975	559	
6 7	Attorneys for E. I. du Pont de Nemours and	Company	
8	UNITED STAT	TES DISTRICT COURT	
9 10	NORTHERN DISTRICT OF CALIFORNIA		
11		) Case No. 3:11-cv-01665-JSW	
12	E. I. DU PONT DE NEMOURS AND COMPANY,	) ) JOINT STATUS REPORT AND	
13	Plaintiff,	) FROPOSED ORDER EXTENDING ) STAY OF ACTION	
14	v.	) AS MODIFIED HEREIN	
15 16	USA PERFORMANCE TECHNOLOGY, INC., PERFORMANCE GROUP (USA), INC., WALTER LIEW, and JOHN LIU,	<ul><li>Judge: Hon. Jeffrey S. White</li><li>Hearing Date: None</li><li>)</li></ul>	
17	Defendants.	) )	
18		) )	
19		_)	
20	Pursuant to the Court's September 2	3, 2013 Order, Plaintiff E. I. du Pont de Nemours and	
21	Company ("DuPont") and defendants Walte	r Liew and USA Performance Technology, Inc.	
22	(collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this		
23	matter set to expire on December 6, 2013, re	emain in place for an additional 60 days, through	
24	February 4, 2014.		
25	On April 6, 2011, DuPont filed the in	nstant suit. (Docket # 1.) Defendants filed their	
26	Substituted Answer and Counterclaim on Ju	ly 11, 2011. (Docket # 35.) The action was first	
27	stayed on July 22, 2011. (Docket # 39.)		
28	///		

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1	On August 23, 2011, the United States filed <i>United States v. Walter Liew and Christina</i>	
2	Liew, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding	
3	indictment in said action. (Id. at Docket # 64.) On March 12, 2013, the United States filed a	
4	Second Superseding Indictment. (Id. at Docket # 269.)	
5	<u>DuPont's Position</u> : The second superseding indictment alleges that defendant Walter	
6	Liew, his wife, Christina Liew, and several other individual defendants violated multiple federal	
7	trade secret and economic espionage laws when they stole – and utilized – the trade secrets at	
8	issue in this action. Inter alia, Mr. Liew is charged with Conspiracy to Commit Economic	
9	Espionage, Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets,	
10	Conveying Trade Secrets, Witness Tampering, and False Statements. (See id. ¶¶ 16-97.) In	
11	addition, the second superseding indictment identifies five DuPont trade secrets relating to its	
12	TiO2 technology at issue in the criminal action. (Id. $\P$ 14.) The second superseding indictment	
13	also names various of the Pangang Companies and charges them with 1) Conspiracy to Commit	
14	Economic Espionage, 2) Conspiracy to Commit Theft of Trade Secrets, and 3) Attempted	
15	Economic Espionage. ( <i>Id.</i> ¶¶ 9-10, 17, 22-31, 39-40, 45, 52-54, 57-58.)	
16	<u>USAPT's Position</u> : Defendants believe that the second superseding indictment speaks for	
17	itself, and no further explanation or commentary is appropriate or needed.	
18	History Relating to the Stay in this Action	
19	On September 7, 2011, this Court issued an Order relating the criminal proceeding with	
20	this action, pursuant to its determination that this action and the criminal proceeding are related	
21	within the meaning of Crim. L.R. 8-1(b). (Docket # 42.) <sup>1</sup>	
22	On September 23, 2011, the parties filed a joint status report requesting that the stay	
23	initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket	
24	# 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)	
25		
26	<del>,</del>	
27	<sup>1</sup> On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants	
28	in this action are Walter Liew and his companies, USA Performance Technology Inc. and Performance Group, Inc.	

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1	On November 23, 2011, the parties filed an additional joint status report requesting that
2	the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'
3	request on November 29, 2011. (Docket # 48.)
4	On January 24, 2012, the parties filed an additional joint status report requesting that the
5	stay be extended for an additional 60 days. (Docket #49.) The Court granted the parties'
6	request on January 31, 2012. (Docket # 50.)
7	On March 26, 2012, the parties filed an additional joint status report requesting that the
8	stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties'
9	request on March 27, 2012. (Docket # 52.)
10	On May 23, 2012, the parties filed an additional joint status report requesting that the
11	stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties'
12	request on May 23, 2012. (Docket # 54).
13	On July 23, 2012, the parties filed an additional joint status report requesting that the star
14	be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on
15	July 24, 2012. (Docket # 56).
16	On September 21, 2012, the parties filed an additional joint status report requesting that
17	the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'
18	request later that day. (Docket # 58).
19	On November 20, 2012, the parties filed an additional joint status report requesting that
20	the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'
21	request later that day. (Docket # 60).
22	On January 18, 2013, the parties filed an additional joint status report requesting that the
23	stay be extended for an additional 60 days. (Docket # 61). The Court granted the parties'
24	request later that day. (Docket # 62).
25	On March 26, 2013, the parties filed an additional joint status report requesting that the
26	stay be extended for an additional 60 days. (Docket # 63). The Court granted the parties'
27	request later that day. (Docket # 64).
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1	On May 20, 2013, the parties filed an additional joint status report requesting that the
2	stay be extended for an additional 60 days. (Docket # 65). The Court granted the parties'
3	request on May 21, 2013. (Docket # 66).
4	On July 12, 2013, the parties filed an additional joint status report requesting that the stay
5	be extended for an additional 60 days. (Docket # 67). The Court granted the parties' request
6	later that day. (Docket # 68).
7	On September 10, 2013, the parties filed an additional joint status report requesting that
8	the stay be extended for an additional 60 days. (Docket # 69). The Court extended the stay to
9	December 6, 2013. (Docket # 70).
10	The undersigned counsel request that the stay remain in place for an additional 60 days,
11	at which time the parties will update the Court.
12	
13	Dated: December 2, 2013 GLYNN & FINLEY, LLP
14	CLEMENT L. GLYNN MORGAN K. LOPEZ
15	JONATHAN A. ELDREDGE One Walnut Creek Center
16	100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596
17	Dy. /a/Margan V. Langs
18	By_/s/ Morgan K. Lopez Attorneys for Plaintiff
19	Dated: December 2, 2013 MOUNT & STOELKER, P.C. DANIEL S. MOUNT
20	ON LU
21	KEVIN M. PASQUINELLI RiverPark Tower, Suite 1650
22	333 West San Carlos Street San Jose, CA 95110-2740
23	By /s/ Daniel S. Mount  Attornovy for Defendants USA Performance
24	Attorneys for Defendants USA Performance Technology, Inc., and Walter Liew
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1	[PROPOSED] ORDER
2	Having read and considered the Joint Status Report,
3	IT IS ORDERED THAT:
4	The parties' request that the stay be extended until February 4, 2014 is hereby
5	GRANTED. Counsel shall submit a joint status report on or before January 28, 2014.
6	In light of the fact that, in the related criminal proceedings, the Government estimates that it will take five weeks to present its case in chief, the Court ORDERS the parties to meet and confer about whether
7	the stay should be extended until February 28, 2014. If the parties cannot agree to stay this matter until
8	that date, they shall file a notice setting forth their respective positions by January 6, 2014.  December 3, 2013
9	Honorable Jeffrey S. White UNITED STATES DISTRICT JUDGE
10	Jeffrey Swhite
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